

BAIL ADMONITIONS ¹

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To the defendant:

Your release on bail [on your own recognizance] is a conditional release. That means that your release can be revoked [and the bail money forfeited], and you can be committed to jail without bail if you do not return to court when required or there is reasonable cause to believe you have committed a felony or tampered with a witness. Do you understand?

Note: The following addition may, in the discretion of the trial court, as deemed necessary, be read in whole or part to the defendant.

[*Optional:* Also, if you deliberately fail to appear:

- A warrant for your arrest will be issued;
- You will have forfeited your right to be present at any further proceedings in this case, including hearing, trial, and if convicted, sentence,² and those proceedings can and will take place in your absence;
- Your failure to appear to answer these charges may be used against you at the trial to show that you did so because you knew you were guilty;³
- And, whether or not you are convicted of these charges, you can be separately prosecuted for the crime of bail jumping.

Do you understand?]

1. CPL 510.30 (3): “When bail or recognizance is ordered, the court shall inform the principal, if he is a defendant charged with the commission of a felony, that the release is conditional and that the court may revoke the order of release and commit the principal to the custody of the sheriff in accordance with the provisions of subdivision two of section 530.60 of this chapter if he commits a subsequent felony

while at liberty upon such order.”

CPL 530.60 (2) (a), in relevant part, reads: “Whenever in the course of a criminal action or proceeding a defendant charged with the commission of a felony is at liberty as a result of an order of recognizance or bail issued pursuant to this article it shall be grounds for revoking such order that the court finds reasonable cause to believe the defendant committed one or more specified class A or violent felony offenses or intimidated a victim or witness in violation of sections 215.15, 215.16 or 215.17 of the penal law while at liberty.”

2. *See People v Parker*, 57 NY2d 136 (1982) (advising the defendant of the right to be present and the consequences of nonappearance is a predicate to a trial in absentia).

3. *See People v Smith*, 297 AD2d 615 (1st Dept 2002) (“The court properly granted the People's motion to consolidate indictments that separately charged criminal sale of a controlled substance in the third degree and bail jumping in the second degree. . . . Evidence that defendant absconded on the drug charge was admissible to show his consciousness of guilt with respect to that charge, and evidence of the drug charge was relevant to establish an element of second-degree bail jumping [see Penal Law § 215.56]” [internal citations omitted]).